

GA-01.03, "Inmate Access to the Courts," August 25, 2014

SCDC POLICY/PROCEDURE

NUMBER: GA-01.03

TITLE: INMATE ACCESS TO THE COURTS

ISSUE DATE: AUGUST 25, 2014

RESPONSIBLE AUTHORITY: OFFICE OF GENERAL COUNSEL

OPERATIONS MANUAL: GENERAL ADMINISTRATION

SUPERSEDES: GA-01.03 (June 1, 2004); (January 1, 2002); Change 1 (March 13, 2002)

RELEVANT SCDC FORMS/SUPPLIES: 9-2,9-6,10-14, 19-11,19-45,19-80

ACA/CAC STANDARDS:4-ACRS-6A-01, 4-ACRS-6A-02, 4-4268, 4-4272, 4-4274, 4-4275, 4-4276

STATE/FEDERAL STATUTES AND CASE LAW:Bounds v. Smith, 97 S. Ct. 1491 (1977), Lewis v. Casey 116 S. Ct. 2174 (1996)

PURPOSE: To establish guidelines for inmate access to the courts within the South Carolina Department of Corrections.

POLICY STATEMENT: In order to provide inmates with adequate access to the courts, SCDC will establish and maintain an institutional law library system to afford inmates access to legal materials in compliance with the requirements of related case law. In addition, all SCDC inmates will be afforded the opportunity to correspond, telephone, or visit with their attorney or attorney's representative(s) consistent with applicable Agency policies and procedures, state and federal statutes, case law and American Correctional Association standards. (4-ACRS-6A-01, 4-ACRS-6A-02, 4-4274, 4-4275, 4-4276)

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1. **GENERAL PROVISIONS:** Inmates housed within the South Carolina Department of Corrections will have access to law materials through established law libraries, to include the automated law library computer located within SCDC institutions. Inmates will not be subjected to reprisals, harassment, punishment, nor penalties because of their decision to seek judicial relief; their request to utilize any law library; or their request for any legal materials. In compliance with *Lewis v. Casey*, all inmates will be provided access to law tools to: 1) challenge or appeal their sentence, directly and collaterally; and 2) challenge the conditions of their confinement. (4-ACRS-6A-02, 4-4276)

2. **MATERIALS AVAILABLE IN LAW LIBRARIES:** In institutions having law libraries, the following will be available in either computer-based or book form:

- United States Constitution, located in volume 21 of the South Carolina Code of Laws, 1976, as amended;
- South Carolina Constitution, located in volume 21 of the South Carolina Code of Laws, 1976, as amended;
- United States Code Annotated;

- South Carolina Code of Laws, 1976, as amended;
- South Carolina Rules of Court, State, current year (Contains: South Carolina Rules of Civil Procedure, Evidence, Criminal Procedure, Appellate Procedure, and Administrative Law Court rules.);
- South Carolina Rules of Court, Federal, current year (Contains: Federal Rules of Civil Procedure, Evidence, Appellate Procedure with the Fourth Circuit, and District Court Rules);
- U.S. Supreme Court Cases;
- U.S. Court of Appeals for the Fourth Circuit Cases;
- U.S. District Court Cases for Fourth Circuit States;
- South Carolina State Court Cases;
- Keycite;
- Legal Dictionary;
- List of addresses for the South Carolina Supreme Court, South Carolina Court of Appeals, South Carolina Circuit Courts, United States District Court - United States Magistrate Judges, United States District Court for the District of South Carolina, United States Court of Appeals - Fourth Circuit, United States Supreme Court; and
- SCDC Policy Manuals for General Administration, Administration, Health Services, Program Services and Operations. NOTE: Restricted policies are excluded.(4-4268, 4-4276)

NOTE: Law Libraries may retain additional legal materials in their holdings.

2.1 The use of legal materials in the Law Libraries will be documented on SCDC Form 9-6, "Law Library Count Sheet," regardless of inmate's custody level/status. The completed 9-6s will be maintained by the person(s) responsible for the Law Library.(NOTE: Refer to the SCDC Intranet site for the retention schedule for the 9-6.)

2.2 Law Libraries may retain materials in the library's holdings not listed above subject to the approval by the General Counsel's Office.

2.3 Materials Maintained on Death Row:

- S. C. Code of Laws, 1976, as amended (volumes 7A, 8, 8A, 9, and 21);
- S.C. Digest, 2nd edition (32 volumes) (current holdings only); and
- West's Federal Practice Digest, 4th edition (Volumes on Constitutional Law, Civil Rights, Habeas Corpus, and Prisons) (current holdings only).

3. LAW LIBRARY HOURS OF OPERATION: Schedules for the hours of operation for each law library will be determined by the Librarian in consultation with the Warden and will be posted by the Librarian /Designee in a conspicuous location. Each institutional law library will be opened 37.5 hours per week, to include a minimum of two (2) nights per week for a total of six (6) hours. An appropriate evening schedule will be determined by the Librarian in keeping with established institutional schedules. NOTE: The law library hours may be modified as needed during an institutional emergency, such as the institution being placed on lockdown status. However, inmates with imminent court deadlines should be afforded law library access under those circumstances.

#### 4. INMATE LAW CLERKS:

4.1 Inmates will be designated by the appropriate Warden/designee to act as inmate law clerks within each institutional law library. The number of inmates designated to act as law clerks will be at the discretion of the Warden and will be based on the inmate population. NOTE: The Warden will consult with the Librarian regarding the number and selection of the inmate law clerks.

4.2 The inmate law clerks will be trained in law library research by the Librarian, with the assistance of the Office of General Counsel.

4.3 Inmate law clerks will be responsible for assisting other inmates with locating information in the law library. Inmate law clerks will be prohibited from giving their personal opinions regarding any inmate's case. Inmate law clerks will be prohibited from receiving payment for any legal assistance given. Law clerks will not type forms or letters for other inmates or provide any other form of legal assistance. Inmates/law clerks who violate these restrictions may be charged with a disciplinary infraction in accordance with SCDC Policy OP-22.14, "Inmate Disciplinary System."

#### 5. INMATES CHARGED/CONVICTED OF DESTRUCTION OF LAW BOOKS/LAW LIBRARY

PROPERTY: Inmates who have been charged and convicted of destroying law materials and/or law library property will be denied law library privileges for a period of six months after being convicted through the Inmate Disciplinary System. A second conviction for destroying law materials or law library property would result in an indefinite suspension. In addition, inmates who have been convicted of destroying law materials and/or law library property will be responsible for paying for the replacement of such materials and/or property in accordance with SCDC Policy ADM-15.01, "Repayment of Costs by Inmates," and SCDC Policy OP-22.14, "Inmate Disciplinary System."

6. OUTDATED, DAMAGED, OR MISSING LAW MATERIALS: The Librarian will be responsible for disposing of all outdated or damaged law materials in accordance with SCDC Policy ADM-16.10, "Surplus Property Disposal."

#### 7. GENERAL POPULATION INMATE ACCESS TO SCDC LAW LIBRARIES:

7.1 General population inmates will be permitted to use the law library during regular hours provided they have obtained a valid SCDC Form 19-80, "Pass," or SCDC Form 19-45, "Order To Report," approved by the Warden or designee.

7.2 The total number of inmates permitted in the law library at any one time will be limited to the library's existing seating capacity. SCDC Form 9-6, "Law Library Count Sheet," will list all inmates using the law library, and will be maintained by the Librarian. Information to be recorded in the log will include:

- The inmate's name;
- The inmate's SCDC number;
- The time the inmate entered the library; and

- The time the inmate left the library.
- The material provided; and
- The condition of the material.

NOTE: It is not necessary to log the material provided and the condition of the material in the ordinary course of business. However, the material provided and the condition of the material may be logged when necessary to document the damage/destruction of the law library materials.

7.3 Inmates who can demonstrate a pending court deadline will be given priority to use the law library over inmates with no such deadlines. NOTE: Priority access permits access to accommodate legitimate deadlines. However, inmates should manage their deadlines such that there is ample time for access to be scheduled. Scheduling should afford all inmates an opportunity for access.

7.4 Inmates using the law library will be expected to abide by the rules, regulations, and policies/procedures of the South Carolina Department of Corrections. No loud talking, unruly conduct, loitering, congregating, food or drink will be permitted in any institutional law library. Inmates who do not conduct themselves in an appropriate manner will be required to leave the law library for the remainder of the day. Repeated incidents may result in more severe penalties in accordance with SCDC Policy OP-22.14, "Inmate Disciplinary System."

7.5 General population inmates will not be permitted to check-out any law materials from the institutional law library.

7.6 General population inmates may access the automated law library computer during the library's regular hours. The SCDC Form 9-6, will be utilized to document all use of the automated law library. The information will include:

- The inmate's name;
- The inmate's SCDC number;
- The time the inmate began using the automated law library computer;
- The time the inmate completed using the automated law library computer; and
- The condition of the equipment.

7.6.1 Inmates who demonstrate a pending court deadline will be given priority to access the automated law library computer.

7.6.2 Sessions may be limited as necessary to afford other inmates access, but an inmate shall be permitted to use the automated law library computer for a minimum of sixty minutes during a session.

7.6.3 Computer equipment will be inspected before and after usage to verify it has not been damaged.

7.6.4 Inmates who have been charged and convicted of destroying law materials and/or law library property will be denied access privileges for a period of six (6) months after being convicted through the Inmate Disciplinary System. A second conviction for destroying law materials or law library property will result in an indefinite suspension. In addition, inmates who have been convicted of destroying law materials and/or law library property will be responsible for paying for the replacement of such materials and/or property in accordance with SCDC Policies ADM-15.01, "Repayment Of Costs By Inmates," and OP-22.14, "Inmate Disciplinary System."

7.7 Intake Inmates Access to the Law Library: Since inmates in intake status (IN) at a Reception and Evaluation Center are considered high custody, those inmates who have paperwork that show a pending court deadline will be afforded use of the law library. (NOTE: This deadline does not have to pertain to his/her sentence and/or conviction.) If an intake inmate does not have such paperwork, institutional personnel should contact the Office of General Counsel for guidance.

8. SERIOUSLY ILL OR INFIRMARY INMATE ACCESS TO THE LAW LIBRARY: Inmates who are seriously ill or inmates who are confined to the infirmary or outside medical facility will normally not have access to a law library for the length of their illness/admittance. If an inmate can demonstrate that s/he has a pending court deadline, the Warden or designee may make special arrangements for the inmate to request the law materials needed on a case by case basis. (4-4274)

9. MAXIMUM SECURITY UNIT (MSU), SPECIAL MANAGEMENT UNIT (SMU) INMATE ACCESS TO THE LAW LIBRARY: To ensure equal access to the courts, inmates in Special Management Unit (Pre-Hearing Detention, Security Detention, Protective Custody, Safekeeper) and the Maximum Security Unit must request to access the automated law library computer or non-restricted SCDC Policies by RTSM, to the MSU/SMU Supervisor/Designee. Wardens may allow the SMU or MSU to maintain current copies of commonly requested non-restricted SCDC Policies for use by inmates. NOTE: An updated Alphabetical Policy Index will also be available for inmates to review. (4-4276)

9.1 The schedule when access is permitted will be determined by the MSU/SMU supervisor in consultation with the Warden. At a minimum, access will be permitted 37.5 hours per week.

9.2. Inmates housed in MSU/SMU must complete a RTSM to access the automated law library computer. The MSU/SMU supervisor or his/her designee will write on the RTSM the date and time of receipt.

9.3. The 9-6 form will be maintained to document all approved inmates that utilize the automated law library computer. The 9-6 form will include the inmate's name, SCDC number, time in (entering), and time out (departure).

9.4 Inmates who demonstrate a pending court deadline will be given priority to access the automated law library computer. NOTE: Priority access permits access to accommodate legitimate deadlines. However, inmates should manage their deadlines such that there is ample time for access to be scheduled. Scheduling should afford all inmates an opportunity for access.

9.5 Inmates will be permitted to use paper and writing instrument while accessing the automated law library computer. An inmate shall be permitted to use the automated law library computer for a minimum of sixty minutes during a session.

9.6 If the inmate can not be scheduled to use the automated law library computer within seven calendar days of receipt of the RTSM, the inmate should be permitted to request access to legal reference materials through law books to the extent those materials are available. NOTE: The inmate should still be scheduled to access the automated law library computer even if books are provided pursuant to the provisions below. Under those circumstances, the following procedures will apply:

9.6.1 The inmate will be provided with an SCDC Form 9-2, "Law Book Request," to request up to three (3) law book(s) or non-restricted SCDC policies. It is the inmate's responsibility to date this form. Verbal requests will not be sufficient. The Officer or staff member receiving the request will write the date and time that s/he was given the request on the SCDC Form 9-2. Within three (3) working days (Monday through Friday with holidays excluded), the Librarian/Designee will ensure that the inmate receives the requested materials, provided that the books or policies are available. NOTE: Books and policies will be distributed on a first-come, first-served basis. These books/materials will come from the institutional law library. With the approval of the Warden, law clerks may be allowed to deliver and pick-up law books from the SMU. The date and time the books were brought to the inmate will be indicated on the SCDC Form 9-2. NOTE: Restricted policies will not be provided to inmates.

9.6.2 If the inmate requires further assistance in completing the SCDC Form 9-2, or in locating information kept in the law library, s/he may request additional assistance from the Librarian or his/her designee.

9.6.3 The inmate will be permitted to keep the law materials for one (1) evening. In the morning, prior to the law library opening the Librarian/Designee will return to the unit, and the inmate will be required to return the materials. NOTE: If the materials are delivered to the inmate on a Friday evening and if the library is closed for the weekend, s/he may be permitted to keep the books until Monday morning. Likewise, if the materials are delivered on the evening prior to a holiday, the inmate may be permitted to keep the books until the morning of the next working day.

9.6.4 Once the inmate returns the law materials and the Librarian verifies that they have been received in the same condition as they were delivered, s/he will complete the appropriate sections on SCDC Form 9-2 and forward a copy to the inmate who borrowed the law materials. The Librarian will maintain a copy of the form on file in the law library. The completed SCDC Form 9-2 will be kept on file in the institution. Refer to the SCDC Intranet site for the retention schedule for the 9-2.

9.6.5 The Warden or the Librarian, at his/her discretion, may provide the inmate(s) with copies of the cases s/he has requested in lieu of the law books. NOTE: This information should be noted on SCDC Form 9-2 by the Warden or the Librarian. The inmate will be required to sign the form to indicate that s/he has received copies of the requested materials. A copy of the Form 9-2 will be given to the inmate at this time, and a copy will be maintained on file by the Librarian. Any copies provided to the inmate will be subject to the time limitations in Section 9.6.3.

9.7 Computer equipment will be inspected before and after usage to verify it has not been damaged.

9.8 An inmate who displays inappropriate behavior while accessing the automated law library computer may be immediately removed and returned to his/her cell.

9.9 Inmates who have been charged and convicted of destroying law materials and/or law library property will be denied access privileges for a period of six months after being convicted through the Inmate Disciplinary System. A second conviction for destroying law materials or law library property will result in an indefinite suspension. In addition, inmates who have been convicted of destroying law materials and/or law library property will be responsible for paying for the replacement of such materials and/or property in accordance with SCDC Policy ADM-15.01, "Repayment of Costs by Inmates," and SCDC Policy OP-22.14, "Inmate Disciplinary System." Failure to return materials issued pursuant to this policy may result in disciplinary charges pursuant to SCDC Policy OP-22.14.

**10. DEATH ROW INMATE ACCESS TO THE LAW LIBRARY:** To ensure equal access to the courts, inmates housed in the Death Row unit must request to access the automated law library computer or SCDC Policies by RTSM, to the Death Row Unit Supervisor/Designee. The Warden and/or Death Row Unit Supervisor/Designee may allow the Death Row Unit to maintain current copies of commonly requested non-restricted SCDC Policies for use by inmates. NOTE: An updated Alphabetical Policy Index will also be available for inmates to review. If the inmate can not be scheduled to use the automated law library computer within seven calendar days of receipt of the RTSM, the inmate should be permitted to request access to legal reference materials through law books to the extent those materials are available. Under those circumstances, the following procedures will apply:

- The inmate will be provided with an SCDC Form 9-2, "Law Book Request," to request up to three (3) law book(s) or non-restricted SCDC policies. It is the inmate's responsibility to date this form. Verbal requests will not be sufficient. The Officer or staff member receiving the request will write the date and time that s/he was given the request on the SCDC Form 9-2. Within three (3) working days (Monday through Friday with holidays excluded), the Librarian/Designee will ensure that the inmate receives the requested materials, provided that the books or policies are available. NOTE: Books and policies will be distributed on a first-come, first-served basis. These books/materials will come from the institutional law library. With the approval of the Warden, law clerks may be allowed to deliver and pick-up law books from the SMU. The date and time the books were brought to the inmate will be indicated on the SCDC Form 9-2. NOTE: Restricted policies will not be provided to inmates.
- If the inmate requires further assistance in completing the SCDC Form 9-2, or in locating information kept in the law library, s/he may request additional assistance from the Librarian or his/her designee.
- The inmate will be permitted to keep the law materials for one (1) evening. In the morning, prior to the law library opening the Librarian/Designee will return to the unit, and the inmate will be required to return the materials. NOTE: If the materials are delivered to the inmate on a Friday evening and if the library is closed for the weekend, s/he may be permitted to keep the books until Monday morning. Likewise, if the materials are delivered on the evening prior to a holiday, the inmate may be permitted to keep the books until the morning of the next working day.
- Once the inmate returns the law materials and the Librarian verifies that they have been received in the same condition as they were delivered, s/he will complete the appropriate sections on SCDC Form 9-2 and forward a copy to the inmate who borrowed the law materials. The Librarian will maintain a copy of the form on file in the law library. The completed SCDC Form 9-2 will be kept on file in the institution. Refer to the SCDC Intranet site for the retention schedule for the 9-2.
- The Warden or the Librarian, at his/her discretion, may provide the inmate(s) with copies of the cases s/he has requested in lieu of the law books. NOTE: This information should be noted on SCDC Form 9-2 by the



Warden or the Librarian. The inmate will be required to sign the form to indicate that s/he has received copies of the requested materials. A copy of the Form 9-2 will be given to the inmate at this time, and a copy will be maintained on file by the Librarian. Any copies provided to the inmate will be subject to the time limitations in Section 9.6.3.

10.1 The schedule when access is permitted will be determined by the Death Row Unit Supervisor/Designee in consultation with the Warden. At a minimum access will be permitted 37.5 hours per week.

10.2 Inmates housed in Death Row must complete a RTSM to request to access the automated law library computer. The Death Row Unit Supervisor/Designee will write on the RTSM the date and time of receipt.

10.3. The 9-6 form will be maintained to document all approved inmates that utilize the automated law library computer. The 9-6 form will include the inmate's name, SCDC number, time in (entering), and time out (departure).

10.4 Inmates who demonstrate a pending court deadline will be given priority to access the automated law library computer. NOTE: Priority access permits access to accommodate legitimate deadlines. However, inmates should manage their deadlines such that there is ample time for access to be scheduled. Scheduling should afford all inmates an opportunity for access.

10.5 Inmates will be permitted to use paper and writing instrument while accessing the automated law library computer. An inmate shall be permitted to use the automated law library computer for a minimum of sixty minutes during a session.

10.6 Inmates may continue to access legal reference materials through law books to the extent available, as provided by SCDC Policy GA-1.03, "Inmate Access to the Courts."

10.7 Computer equipment will be inspected before and after usage to verify it has not been damaged.

10.8 An inmate who displays inappropriate behavior while accessing the automated law library computer may be immediately removed and returned to his/her cell.

10.9 Inmates who have been charged and convicted of destroying law materials and/or law library property will be denied access privileges for a period of six months after being convicted through the Inmate Disciplinary System. A second conviction for destroying law materials or law library property will result in an indefinite suspension. In addition, inmates who have been convicted of destroying law materials and/or law library property will be responsible for paying for the replacement of such materials and/or property in accordance with SCDC Policy ADM-15.01, "Repayment of Costs by Inmates," and SCDC Policy OP-22.14, "Inmate Disciplinary System."

11.LEGAL SUPPLIES AND MATERIALS: Inmates will be provided with writing paper, envelopes, writing instrument, and other materials necessary for legal correspondence in accordance with SCDC Policies PS-10.08, "Inmate Correspondence Privileges," OP-22.12, "Special Management Unit," OP-22.11, "Maximum Security Unit," and OP-22.16, "Death Row." Each Warden will designate an office/area in the institution that will be responsible for stocking and distributing legal supplies to indigent inmates. Legal supplies will be requisitioned by the institution. The Commissary Branch will develop a list of legal supplies as well as the amounts to be charged to the inmate's account for restitution. This list will be distributed to each institution. Under no circumstances will any inmate have another inmate's legal materials in his/her possession, unless that inmate is a law clerk who is involved in the performance of his/her duties. Inmates who have another inmate's legal materials in his/her possession may be charged with a disciplinary in accordance with SCDC Policy/Procedure OP-22.14, "Inmate Disciplinary System."NOTE: An inmate will NOT be denied access to writing paper, envelopes, writing instrument, and other materials needed for legal correspondence without written approval from the Office of General Counsel.(4-4276)

## 12. PHOTOCOPIES:

12.1 Inmates may request photocopies of their legal materials and documents to support a pleading. All photocopying must relate to challenging or appealing the inmate's sentence or to challenging the conditions of his/her confinement. Legal materials and documents that may be copied to support a pleading include:

- Disciplinary reports/forms;
- Institutional or State Classification Committee reports/forms; and
- Letters, forms, reports, and other documents received from SCDC or other outside officials, or that have answers or other information from personnel within SCDC that have to do with the subject of the pleading, including forms, letters, or documents that have been notarized.

12.2 Materials and documents that will NOT be copied include:

- Inmates may not purchase photocopies of any reference materials contained in the law library regardless of his/her ability to pay.
- Drawings, pictures, or photographs;
- Documents that have been solely originated, generated, written, typed, or created by an inmate (the inmate may copy this information by hand.) NOTE: The fact that a document solely generated by an inmate has been notarized does not mandate that photocopies be provided;
- Transcripts of school, college, or vocational training;
- Magazine or newspaper clippings (unless they specifically relate to the pleading);
- Personal correspondence that is not related to the pleading;
- Copies of SCDC Policies/Procedures; and
- Copies of case law.

(If the librarian is unsure about whether or not a copy should be made, s/he should request assistance from the Office of General Counsel.)(4-4276)

12.3 No copies of blank legal forms will be made regardless of whether the inmate has funds in his/her E.H. Cooper account.

12.4 The inmate's E.H. Cooper Trust Fund will be debited (a restitution will be created for indigent inmates) in order to pay for photocopies. Indigent inmates will be permitted to make photocopies; however, their

accounts will be debited to ensure reimbursement to the Agency once funds become available in their account. The cost per copy will be twenty-five cents except for medical records. See SCDC Policy HS-18.07 and associated changes for information on copy costs for medical records. The cost per copy will be posted in a conspicuous location within each SCDC institution. NOTE: Generally, an inmate may request an unlimited number of photocopies to support his/her legal pleading if s/he can pay for such copies and the types of documents may be photocopied per paragraph 12.1, above. However, the Office of General Counsel may limit the number of copies an inmate can request if it appears the inmate is making excessive requests for materials. In such cases, the Librarian/Designee should contact the Office of General Counsel for an opinion.

12.5 Each Librarian will be responsible for posting the days that photocopy requests can be submitted and the time that the photocopies will be available for pick-up. Requests should be made by utilizing a RTSM.

12.6 The Librarian/Designee will photocopy the requested material for the inmate. If the material to be copied contains confidential information regarding the inmate, the Librarian may not designate an inmate to make the copies. The Librarian/Designee is strictly prohibited from reading an inmate's confidential legal material. NOTE: Confidential legal material is defined to include any legal materials which are not marked as "filed" by a court.

13. MATERIALS NOT AVAILABLE IN THE LAW LIBRARY: If the inmate requires a recently superseded policy, the inmate may send a completed RTSM (indicating exact name, title, number, etc.) to his/her Librarian/Designee who will obtain the superseded policy from the Office of Policy Development. Requests for copies must come from the Librarian and not directly from the inmate or they will be returned to the inmate without action. The Librarian/Designee will be responsible for forwarding the materials to the appropriate inmate, who will be permitted to review the superseded policy for the timeframe allowed by their institution. NOTE: A recently superseded policy is defined as a policy that has been superseded within six (6) months. Exceptions to this may be considered for grievances and/or law suits.

#### 14. TELEPHONE CALLS TO ATTORNEYS:

- General population inmates may contact their attorney/representative during times when they are permitted telephone use.
- See SCDC Policy OP-22.11, "Maximum Security Unit (MSU)," for information on attorney/representative telephone calls for MSU inmates.
- See SCDC Policy OP-22.16, "Death Row," for information on attorney/representative telephone calls for Death Row Inmates.
- See SCDC Policy OP-22.12, "Special Management Unit," for information on attorney/representative calls for SMU inmates. (4-ACRS-6A-01, 4-4275)

14.1 All telephone calls will be monitored unless the inmate's attorney requests that his/her calls not be monitored. This may be accomplished using the procedures outlined in SCDC Policy ADM-15.02, "Telephone Use."

15.ATTORNEY VISITS: Inmates will be permitted to visit with their attorney in accordance with SCDC Policies OP-22.09, "Inmate Visitation," OP-22.12, "Special Management Unit," OP-22.16, " Death Row," OP-22.11, "Maximum Security Unit (MSU)," and/or SCDC policies/procedures regarding controlled movement.

16.CORRESPONDENCE:

16.1Subject to the requirements of SCDC Policy PS-10.08, "Inmate Correspondence Privileges,"an inmate will be permitted to send an unlimited amount of legal mail regardless of his/her indigent status, E. H. Cooper Trust Account current cash balance, or canteen spending limit. NOTE: For indigent inmates, all pending/initiated legal actions in court must relate to challenging or appealing the inmate's sentence or to challenging the conditions of his/her confinement. However, the inmate's Cooper Account will be debited to cover the cost of all legal correspondence, including postage, paper, envelopes, and any other necessary supplies or fees. The only exception will be that an inmate must be permitted to use the general mail supplies provided to him/her as indicated in SCDC Policy PS-10.08, "Inmate Correspondence," for the purposes of mailing legal correspondence. NOTE: Inmates without canteen privileges and inmates housed in any SMU, the MSU, or Safekeeper Unit will request to have their accounts debited for these supplies using SCDC Form 10-14, "Agreement to Debit E.H. Cooper Account."

16.2 An indigent inmate or an inmate without funds in his/her E.H. Cooper Trust Fund account who wishes to send legal mail outside the state of South Carolina must show the Postal Director/Mailroom Supervisor or designee that: s/he is a party of an action in another state; or the attorney to whom s/he intends to send mail is licensed to practice law in South Carolina.(4-ACRS-6A-01, 4-4275)

16.3Certified Legal Mail: Inmates will be permitted to send certified legal mail for summons or complaints to the Attorney General in compliance with the S.C. State Court Rules. Inmates will be required to pay for certified legal mail and their accounts will be debited. Indigent inmates will be permitted to send certified legal mail only to the S. C. Attorney General; however, their accounts will be debited using SCDC Form 10-14.

17. FILING FEES: Inmates will be required to pay filing fees pursuant to all applicable S.C. State Court Rules and Federal Court Rules.

18.NOTARY SERVICES: Inmates will have access to notary services at their institution in keeping with institutional schedules and security measures. The notary shall verify that the individual appearing before him/her is the individual actually named as the person being sworn in the document to be executed. The notary shall ask the individual the following oath, "Do you solemnly swear or affirm that the statements contained in this document are true and correct to the best of your knowledge and belief?" If the individual refuses to swear or affirm or answers the question in the negative, the notary shall not notarize the document and will complete an SCDC Form 19-29, "Incident Report," documenting the individual's response.

The following items are inmate documents that do require notarization:

- PCR (Post Conviction Relief) applications;
- Applications to proceed in court without payment of costs;

- Powers of Attorney;
- Wills;
- All Affidavits - any written declaration or statement of facts confirmed by the oath or affirmation of the person making the declaration; and
- Verified Tort Claims.

Notarization is not required for the following documents:

- Summons and Complaint; and
- Correspondence to: An SCDC employee, a government employee or official, and a court or judge (other than those documents listed above).

NOTE: If the Notary receives documents which do not fall into the above categories, s/he may contact the Office of General Counsel for assistance.

19. NON-ENGLISH SPEAKING/SPECIAL NEEDS INMATES: When necessary, staff of the Office of General Counsel will attempt to make reasonable accommodations for non-English speaking or special needs inmates in the form of readers, signers, interpreters, etc., to assist these inmates in obtaining access to the courts. (4-4276)

20. OUT-OF-STATE LEGAL MATERIALS: In order to have access to statutes and case law of other states that are not provided in the SCDC Law Library, an inmate must first make a request in writing asking for the address of a legal aid organization or entity in the other state. The Librarian will obtain the address of one legal aid entity from that state and give it to the inmate. The inmate may then correspond by mail at his/her own expense with that or any other legal aid organization.

21. ADDRESSES OF COURTS AND OTHER RELEVANT AGENCIES: See Appendix 1 for a listing of courts and other relevant agencies. This list should be posted in the law library.

## 22. DEFINITIONS:

Attorney's Authorized Representative refers to paralegals, law students, investigators, and other assistants to counsel.

Indigent Inmates refers to an inmate whose beginning E. H. Cooper Trust Fund balance plus any deposits received in the previous 30 day period is less than the amount needed to purchase the supplies contained in the hygiene pack (as determined by the Commissary Branch). Indigent inmates will also include those inmates with holds (which caused them to be indigent) placed on the funds in their E.H. Cooper accounts.

Law Library refers generally to all SCDC law libraries.

Legal Mail refers to mail sent out to, or received from, officials of federal, state, and local courts, attorneys, court clerks, judges, legal aid societies (e.g., American Civil Liberties Union, etc.), attorney's authorized representatives, the S.C. Attorney General, the U.S. Attorney General, and SCDC Office of General Counsel.

Pending Court Deadline refers to a court deadline of 30 days or less.

SIGNATURE ON FILE

—

Bryan P. Stirling, Director

ORIGINAL SIGNED COPY MAINTAINED IN THE OFFICE OF POLICY DEVELOPMENT.

## Appendix 1

### ADDRESSES OF COURTS AND OTHER RELEVANT AGENCIES

Federal
Supreme Court of the United States, 1 First Street, NE, Washington, DC 20543.
U.S. Court of Appeals - Fourth Circuit, Clerk, 1100 E. Main St., Ste. 501, Richmond VA 23219

U.S. District Court, District of South Carolina, Clerk, 901 Richland Street, Columbia SC 29201
State
South Carolina Supreme Court, P.O. Box 11330, Columbia, SC 29211
South Carolina Court of Appeals, P.O. Box 11629, Columbia, SC 29211
South Carolina Administrative Law Court, Edgar A. Brown Bld., Ste. 224, 1205 Pendleton St., Columbia, SC 29201
Office of the Attorney General, The State of South Carolina, P.O. Box 11549, Columbia, SC 29211
South Carolina Department of Probation, Parole, and Pardon Services, 2221 Devine Street, Suite 600 Post Office Box 50666, Columbia, SC 29250
Solicitors
First Circuit (Calhoun, Dorchester, Orangeburg):P.O. Box 1525, Orangeburg, SC 29116
Second Circuit (Aiken, Bamberg, Barnwell): P.O. Box 3368, Aiken, SC 29801
Third Circuit (Clarendon, Lee, Sumter, Williamsburg): 141 N. Main St., Sumter, SC 29150
Fourth Circuit (Chesterfield, Darlington, Dillon, Marlboro):P.O. Box 616, Bennettsville, SC 29512
Fifth Circuit (Kershaw, Richland):1701 Main St., 3rd Floor, Columbia, SC 29201
Sixth Circuit (Chester, Fairfield, Lancaster):P.O. Box 607 Lancaster, SC 29721
Seventh Circuit (Cherokee, Spartanburg):180 Magnolia St., 3rd Floor, Spartanburg, SC 29306
Eighth Circuit (Laurens, Newberry, Greenwood, Abbeville): P.O. Box 516, Greenwood, SC 29648
Ninth Circuit (Berkeley, Charleston): 101 Meeting Street, 4th Floor, Charleston, SC 29401
Tenth Circuit (Anderson, Oconee):P.O. Box 8002, Anderson, SC 29622
Eleventh Circuit (Edgefield, Lexington, McCormick, Saluda):P.O. Box 874, Lexington, SC 29072
Twelfth Circuit (Florence, Marion):180 N. Irby St., Room 1101, Florence, SC 29501
Thirteenth Circuit (Greenville, Pickens):305 E. North St., Ste. 325, Greenville, SC 29601
Fourteenth Circuit (Allendale, Beaufort, Colleton, Hampton, Jasper):P.O. Box 1880, Bluffton,SC 29910
Fifteenth Circuit (Georgetown, Horry): P.O. Box 1276, Conway, SC 29528
Sixteenth Circuit (Union, York): 1675-1A York Highway, York, SC 29745
County Clerks of Court
Abbeville County, Clerk of Court: P.O. Box 99, Abbeville, SC 29620
Aiken County, Clerk of Court: P.O. Box 583, Aiken, SC 29802
Allendale County, Clerk of Court: P.O. Box 126, Allendale, SC 29812
Anderson County, Clerk of Court: P.O. Box 8002, Anderson, SC 29622



Bamberg County, Clerk of Court: P.O. Box 150, Bamberg, SC 29003
Barnwell County, Clerk of Court: P.O. Box 723 - Courthouse, Barnwell, SC 29812
Beaufort County, Clerk of Court: P.O. Drawer 1128, Beaufort, SC 29901
Berkeley County, Clerk of Court:300 California Ave., Moncks Corner, SC 29461
Calhoun County, Clerk of Court:902 S. F.R. Huff Drive, St. Matthews, SC 29135
Charleston County, Clerk of Court:100 Broad St., #106, Charleston, SC 29415
Cherokee County, Clerk of Court: P.O. Drawer 2289, Gaffney, SC 29342
Chester County, Clerk of Court: P.O. Drawer 580, Chester, SC 29706
Chesterfield County, Clerk of Court: P.O. Box 529, Chesterfield, SC 29709
Clarendon County, Clerk of Court:P.O. Box 136, Manning, SC 29102
Colleton County, Clerk of Court: P.O. Box 620, Walterboro, SC 29488
Darlington County, Clerk of Court: 1 Public Square, Room B-4, Darlington, SC 29532
Dillon County, Clerk of Court: P.O. Drawer 1220, Dillon, SC 29536
Dorchester County, Clerk of Court:5200 E. Jim Bilton Blvd., St. George, SC 29477
Edgefield County, Clerk of Court:129 Courthouse Sq., Ste. 205, Edgefield, SC 29824
Fairfield County, Clerk of Court: P.O. Drawer 299, Winnsboro, SC 29180
Florence County, Clerk of Court: 180 N. Irby St., MSC-E, Florence, SC 29501
Georgetown County, Clerk of Court:401 St., Georgetown, SC 29442
Greenville County, Clerk of Court: 305 E. North St., Ste. 232, Greenville, SC 29601
Greenwood County, Clerk of Court: 528 Monument St., Room 114, Greenwood, SC 29646
Hampton County, Clerk of Court: P.O. Box 7, Hampton, SC 29924
Horry County, Clerk of Court:1301 Second Ave., Conway, SC 29528
Jasper County, Clerk of Court: P.O. Box 248, Ridgeland, SC 29936
Kershaw County, Clerk of Court:1121 Broad St., Camden, SC 29020
Lancaster County, Clerk of Court: P.O. Box 1809, Lancaster, SC 29721
Laurens County, Clerk of Court: P.O. Box 287, Laurens, SC 29360
Lee County, Clerk of Court: P.O. Box 387, Bishopville, SC 29010
Lexington County, Clerk of Court:205 E. Main St., Lexington, SC 29072
Marion County, Clerk of Court: P.O. Box 295, Marion, SC 29571
Marlboro County, Clerk of Court: P.O. Box 996, Bennettsville, SC 29512

McCormick County, Clerk of Court: 133 S. Mine St., Room 102, McCormick, SC 29835
Newberry County, Clerk of Court: P.O. Box 278, Newberry, SC 29108
Oconee County, Clerk of Court: P.O. Box 678, Walhalla, SC 29691
Orangeburg County, Clerk of Court: P.O. Drawer 9000, Orangeburg, SC 29116
Pickens County, Clerk of Court: 214 E. Main St., A100, Pickens, SC 29671
Richland County, Clerk of Court: P.O. Box 2766, Columbia, SC 29202
Saluda County, Clerk of Court: 100 E. Church St., Ste. 6, Saluda, SC 29138
Spartanburg County, Clerk of Court: 180 Magnolia St., Ste. 500, Spartanburg, SC 29304
Sumter County, Clerk of Court: 141 N. Main St., Sumter, SC 29150
Union County, Clerk of Court: P.O. Box 703, Union, SC 29379
Williamsburg County, Clerk of Court: P.O. Box 330, Kingstree, SC 29556
York County, Clerk of Court: P.O. Box 649, York, SC 29745